APPENDIX

APPENDIX 1

60 O. S. 1941 § 333. Occupancy for the period prescribed by civil procedure, or any law of this State as sufficient to bar an action for the recovery of the property, confers a title thereto, denominated a title by prescription, which is sufficient against all.

APPENDIX 2

12 O. S. 1941 § 93. Actions for the recovery of real property, or for the determination of any adverse right or interest therein, can only be brought within the periods hereinafter prescribed, after the cause of action shall have accrued, and at no time thereafter:

1. An action for the recovery of real property sold on execution, brought by the execution debtor, his heirs, or any person claiming under him, by title acquired after the date of the judgment, within five years after the date of the recording of the deed made in pursuance of the sale.

2. An action for the recovery of real property sold by executors, administrators or guardians, upon an order or judgment of a court directing such sale, brought by the heirs or devisees of the deceased person; or the ward or his guardian, or any person claiming under any or either of them, by the title acquired after the date of the judgment or order, within five years after the date of the recording of the deed made in pursuance of the sale.

3. An action for the recovery of real property sold for taxes, within two years after the date of the recording of the tax deed.

4. An action for the recovery of real property not hereinbefore provided for, within fifteen years.

5. An action for the forcible entry and detention, or forcible detention only, of real property, within two years.

APPENDIX 3

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff, CIVIL ACTION

vs. No. 728

MRS. H. B. FUSTON,

Defendant,

STATE OF OKLAHOMA on relation of the Commissioners of the Land Office of said State,

Intervener.

ORDER SPREADING MANDATE OF RECORD AND STAY OF EXECUTION

Now, on this 11th day of September, 1944, this cause come on to be heard by the court on the motion of the United States of America to spread the mandate of record, and on the motion and amended motion of Mrs. H. B. Fuston and the State of Oklahoma, on relation of the Commissioners of the Land Office of said State, the stay of execution pending on appeal to the Supreme Court of the United States from the judgment and decree under mandate of the United States Circuit Court of Appeals for the Tenth Circuit, filed on July 3, 1944.

On consideration whereof it is by the Court ordered, adjudged and decreed that the mandate of the United States Circuit Court of Appeals for the Tenth Circuit, filed herein on July 3, 1944, be by the Clerk spread of record herein:

IT IS FURTHER ORDERED, CONSIDERED, ADJUDGED AND DECREED by the Court that the enforcement of the judgment herein be stayed until September 19, 1944, pending an appeal to the Supreme Court of the United States, and that if an appeal be perfected to the Supreme Court of the United States by said date the stay of execution hereby granted shall continue until the final disposition of the cause by the Supreme Court of the United States.

EUGENE RICE
Judge.

UNITED STATES OF AMERICA
Eastern District of Oklahoma } ss.

I, John H. Pugh, Clerk of the United States District Court in and for the Eastern District of Oklahoma, do hereby certify that the annexed and foregoing is a true and full copy of the original Order Spreading Mandate of Record and for Stay of Execution in cause No. 728-Civil; U.S.A. v. Mrs. H. B. Fuston, et al., filed and

entered September 11th, 1944, now remaining among the records of the said Court in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of the aforesaid Court at Muskogee, Oklahoma this 11th day of September, A. D. 1944.

JOHN H. PUGH,
Clerk.

By R. Kizzire.
Deputy Clerk.